

## **Chapter 114**

### **NUISANCES**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Granby 10-3-2005. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Violation and citation hearing procedures — See Ch. 58.

Solid waste — See Ch. 144.

Streets and sidewalks — See Ch. 150.

Abandoned, inoperable or unregistered vehicles — See Ch. 167.

#### **§ 114-1. Purpose.**

The purpose of this chapter is to define, prohibit, and abate nuisance; to protect, preserve, and promote public health, safety, and welfare; and to preserve and protect property values.

#### **§ 114-2. Applicability.<sup>1</sup>**

This chapter shall apply uniformly to all lots, parcels, pieces or tracts of privately owned real property now in existence or hereafter constructed, maintained, or modified but shall exclude land used for agriculture or agricultural operations as defined in Section 1.4 of the Granby Zoning Regulations. This chapter shall also apply to commercial lots, parcels, pieces or tracts of real property but only to the extent such properties are not already regulated by the Zoning Statutes and Regulations of the Town of Granby.

#### **§ 114-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

**DEBRIS** — The remains of something broken down or destroyed; something discarded; rubbish; abandoned, discarded, or unused objects; junk comprised of equipment, including but not limited to snow blowers, lawn mowers, watercraft, trailers, and recreation equipment which are missing parts, not complete in appearance and in an obvious state of disrepair; discarded furniture, household goods and appliances, indoor and outdoor toys and play equipment, cans, boxes, scrap metal, tires, batteries, containers, oil tanks, scrap metal and garbage and any and all objects that are no longer in use which are in public view.

**DECAYED** — Wasted away; decreased in strength, soundness or quality; decomposed or rotten.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**MECHANICAL EQUIPMENT** — Any apparatus designed to operate by an internal combustion engine or designed to be towed, carried, or moved by any apparatus propelled by an internal combustion engine.

**NUISANCE** — An activity or condition that interferes with an owner's reasonable and lawful use and enjoyment of his property or interferes with public rights, such as free passage along streams and highways and enjoyment of public parks and places of recreation.

**PERSON** — Any person or legal entity owning or occupying real estate.

**PREMISES** — A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structure thereon, or any part thereof. The term "premises," where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this chapter.

**PUBLIC VIEW** — Reasonably visible from any public right-of-way.<sup>2</sup>

**STRUCTURE** — Anything constructed or erected which requires location on or in the ground or attachment to something having location on the ground.

**UNSIGHTLY MATERIAL** — Any article or material, which has been collected or stored for salvage or parts or conversion to some other use, or any article or material, including but not limited to household appliances, mechanical equipment, brush, firewood, furniture, household furnishings, tools, trash containers, lawn and garden equipment and materials, recreation equipment, building equipment and materials which are in public view and causing a nuisance.

#### **§ 114-4. Public nuisance.**

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Granby to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions exist thereon:

- A. Accumulated debris or unsightly material;
- B. Residentially zoned property with any combination of three or more pieces of mechanical equipment, watercraft, trailers, recreation equipment or parts thereof stored in public view on residentially zoned premises unless permitted by the Town of Granby Zoning Regulations or a special permit issued by the Planning and Zoning Commission;
- C. Dead, decayed, diseased or damaged trees, as certified by a licensed arborist, constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;

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<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Plant growth, such as trees, bushes, vines and other growth, which constitutes a safety hazard, physically hinders, or blocks the use of any sidewalk, street or right-of-way in the Town, or which obstructs the sight of any road sign;
- E. Advertising or displaying for sale, or offering free, any item on residentially zoned property except at a garage sale, yard sale, tag sale or barn sale which are permissible one- or two-day events that may occur once or twice a year on residentially zoned property.

**§ 114-5. Other applicable provisions; conflicts.**

- A. The provisions in this chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances, or regulations which prescribe standards other than are provided in this chapter.
- B. In any case where a provision of this chapter is found to be in conflict with another ordinance, law or regulation, the more restrictive applicable law, ordinance or regulation shall govern.

**§ 114-6. Responsibility for compliance.**

The owner or person controlling any premises and agents of either shall comply with the provisions of this chapter.

**§ 114-7. Complaints; notice of violations.**

- A. Complaints may be submitted to the Town Manager or his or her designee by members of the public. Such complaints must be in writing and signed on forms provided by the Town.
- B. If the Town Manager or his or her designee determines that no violation has occurred, a written notice of findings will be prepared by the Town Manager or his or her designee. The notice of findings will be sent to the complainant by certified mail, return receipt requested, within 15 days after receiving the complaint.
- C. Whenever the Town Manager or his or her designee determines that there has been a violation of any provision of this chapter, such officer shall give notice of such violation to the person responsible therefor, as hereinafter provided. Such notice shall:
  - (1) Be in writing;
  - (2) Set forth the violations of this chapter;
  - (3) Specify a final date for the correction of any violation, which date shall be not less than 10 days nor more than 25 days from the date of the notice;
  - (4) Be served upon the owner or the owner's agent, or the occupant as the case may require; provided, such notice shall be deemed to be properly served by ordinary mail under the laws of this state;

- (5) Specifically prescribe the remedial action which, if taken, will effect compliance with the provisions of this chapter; and
  - (6) State that the penalties and enforcement provisions of this chapter will become effective on the final date set for the correction of any violation.
- D. Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this chapter and subject to its penalties and enforcement procedures.

**§ 114-8. Enforcement; payment of costs and fees.**

The enforcement of this chapter shall be in accordance with the provisions of the Chapter 58, Violation and Citation Hearing Procedures, Article II, Parking and Ordinance Violations, adopted August 9, 1999. In addition, the Town may seek to enforce this chapter by injunction. Any person found in such a proceeding to have violated this chapter shall pay all of the costs and fees, including a reasonable attorneys' fee, incurred by the Town in pursuing such an action. Further, all fines, penalties, costs, and fees assessed against any such violator shall constitute a lien on the premises in violation; provided, however, the owner of the premises was made a party to the enforcement proceedings, and provided further that a certificate of lien in favor of the Town, signed by the Town Manager, reciting the violation or violations committed and the specific fines, penalties, costs and fees assessed is recorded in the land records. A true copy of such certificate of lien shall be served upon the owner of the premises within 10 days of its recording in the land records. Such lien shall take effect from the date of its recording. The remedies herein specified shall be cumulative.

**§ 114-9. Penalties for offenses.**

- A. Each violation of this chapter shall be considered a separate municipal offense.
- B. Each day any violation continues shall constitute a separate offense.
- C. Each separate offense under this chapter shall be punishable by a fine of not more than \$250 payable to the Town of Granby.<sup>3</sup>

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<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).